

**PROPOSED REGULATION OF THE
BOARD OF WILDLIFE COMMISSIONERS**

LCB FILE NO. R022-19I

**The following document is the initial draft regulation proposed
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**PROPOSED REGULATION OF THE BOARD OF WILDLIFE
COMMISSIONERS
COMMISSION GENERAL REGULATION 485
LCB FILE NO. ???**

EXPLANATION – Matter in *italics* is new, matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: NRS 501.181, 502.130, 502.140, 502.160

A REGULATION relating to wildlife.....

NAC 502.422 Cancellation of tag issued in error; return, *transfer, or deference* of tag; provision of refund. (NRS 501.105, 501.181, 502.160, 502.219, 502.250)

1. The Department may cancel a tag and provide a refund if the Department issues the tag in error.

2. The Department shall provide a refund if the holder of a tag:

(a) Or a person to whom the holder is related within the third degree of consanguinity or affinity dies, as verified by a certificate of death;

(b) Or a person to whom the holder is related within the third degree of consanguinity or affinity incurs a disability *or severe illness*, as verified in writing by a physician, which prevents him or her from hunting during the season for which the tag was issued;

(c) Is serving in the Armed Forces of the United States and is transferred, as verified by a copy of his or her orders or other proof satisfactory to the Department, to a location which makes it impracticable for the holder to hunt in the area for which the tag was issued; [~~or~~]

(d) Meets any other extenuating circumstance as determined by the Department, not including widespread disease or natural disasters; or

~~[(d)]~~ (e) Is a recipient of a Dream Tag issued pursuant to NRS 502.219 and returns the drawn tag to the Department pursuant to NAC 502.42695,

↪ and, except as otherwise provided in NAC 502.336, his or her tag is received by the Department at least 1 business day before the opening day of the season for which the tag was issued. If the holder obtained his or her hunting license with his or her tag, the hunting license may be returned with the tag.

3. *The Department shall allow the transfer of a tag to another person who is otherwise eligible to hunt a big game mammal in this State if the holder of a tag:*

(a) Or a person to whom the holder is related within the third degree of consanguinity or affinity dies, as verified by a certificate of death;

(b) Or a person to whom the holder is related within the third degree of consanguinity or affinity incurs a disability or severe illness, as verified in writing by a physician, which prevents him or her from hunting during the season for which the tag was issued

(c) Is serving in the Armed Forces of the United States and is transferred, as verified by a copy of his or her orders or other proof satisfactory to the Department, to a location which makes it impracticable for the holder to hunt in the area for which the tag was issued;

(d) Meets any other extenuating circumstance as determined by the Commission and the Department, not including widespread disease or natural disasters; or

(e) Is a recipient of a Dream Tag issued pursuant to NRS 502.219 and returns the drawn tag to the Department pursuant to NAC 502.42695, and, except as otherwise provided in NAC 502.336, his or her tag is received by the Department at least 1 business day before the opening day of the season for which the tag was issued. If the holder obtained his or her hunting license with his or her tag, the hunting license may be returned with the tag.

4. The Department shall allow for the deference of a tag to the next available hunting season for the same unit and weapon class if the holder of a tag:

(a) Or a person to whom the holder is related within the third degree of consanguinity or affinity dies, as verified by a certificate of death;

(b) Or a person to whom the holder is related within the third degree of consanguinity or affinity incurs a disability, as verified in writing by a physician, which prevents him or her from hunting during the season for which the tag was issued

(c) Is serving in the Armed Forces of the United States and is transferred, as verified by a copy of his or her orders or other proof satisfactory to the Department, to a location which makes it impracticable for the holder to hunt in the area for which the tag was issued;

(d) Meets any other extenuating circumstance as determined by the Commission and the Department, not including widespread disease or natural disasters; or

(e) Is a recipient of a Dream Tag issued pursuant to NRS 502.219 and returns the drawn tag to the Department pursuant to NAC 502.42695, and, except as otherwise provided in NAC 502.336, his or her tag is received by the Department at least 1 business day before the opening day of the season for which the tag was issued. If the holder obtained his or her hunting license with his or her tag, the hunting license may be returned with the tag.

~~[3]~~-5. If a tag is returned ~~[refund is provided]~~ pursuant to subsections 1 ~~or 2~~ through 4, the Department shall:

(a) Return all the fees submitted with the application for the tag except the fees required pursuant to NRS 502.253 and NAC 502.331; and

(b) Except as otherwise provided in subsections 2 through 4 of NAC 502.4225, treat the holder of the tag ~~[recipient of the refund]~~, with respect to his or her eligibility to obtain a tag and to be awarded a bonus point, as if the tag had not been issued and the applicant was unsuccessful.

6. If a tag is transferred to another person who is otherwise eligible to hunt a big game mammal in this State, the original holder of the tag will be treated as if he drew the tag with respect to any bonus points and waiting periods.

7. The Department will provide an update to the Commission on all tags returned, deferred, or transferred as a result of an extenuating circumstance.

~~[4]~~ 8. If a tag for any subspecies of bighorn sheep or mountain goat is returned for a reason other than the reasons set forth in subsection 1 ~~or 2~~ *through 4*, the Department shall:

(a) If the tag is received not later than July 15, return all the fees submitted with the application for the tag except the fees required pursuant to NRS 502.253 and NAC 502.331; and

(b) Except as otherwise provided in subsections *1 2 through 4* of NAC 502.4225, treat the recipient of the refund, with respect to his or her eligibility to obtain a tag and to be awarded a bonus point, as if the tag had not been issued and the applicant was unsuccessful.

~~[5]~~ 9. If a tag for antelope, bighorn sheep, mountain goat, bear, turkey, deer, moose or elk is returned for a reason other than the reasons set forth in subsection 1 ~~or 2~~ *through 4*, and if the tag is received at least 1 business day before the opening day of the season for which the tag was issued, the Department:

(a) Shall, except as otherwise provided in subsection 2 of NAC 502.4225, treat the applicant, with respect to his or her eligibility to obtain a tag and to be awarded a bonus point, as if the tag had not been issued and the applicant was unsuccessful; and

(b) Shall not return any fee paid for the tag.

~~[6]~~ 10. Except as otherwise provided in NAC 502.421, the Department is not required to refill a quota for the issuance of tags if the application of this section reduces the number of tags issued to less than a quota.

(Added to NAC by Bd. of Wildlife Comm'rs, eff. 3-7-91; A 10-26-93; 10-12-94; R114-05, 10-31-2005; R156-05, 2-23-2006; R068-08, 8-26-2008; A by Dep't of Wildlife by R110-11, 3-9-2012; A by Bd. of Wildlife Comm'rs by R159-12, 12-20-2012; R029-17, 12-19-2017)

NAC 502.4187 Bonus points: Award and accumulation; effect of refund. (NRS 501.105, 501.181, 502.160, 502.175)

1. Except as otherwise provided in NAC 502.417 to 502.4225, inclusive, an applicant to obtain a tag for a season who is unsuccessful, or an applicant for a bonus point who does not wish to obtain a tag and is applying for the sole purpose of earning a bonus point, must be awarded a bonus point for:

(a) The hunt number of the species for which the applicant applied if he or she applied for a:

(1) Tag to hunt wild turkey; or

(2) Bonus point for a tag described in subparagraph (1); or

(b) The category of the species for which he or she applied if he or she applied for a tag to hunt deer, elk, mountain goat, antelope, black bear, moose or bighorn sheep, or for a bonus point for such a tag.

↳ Regardless of the number of applications to obtain a tag or bonus point for a season submitted by a person, the Department shall not award the person more than one bonus point per season for each species or category of a species for which the person applied.

2. Except as otherwise provided in subsections 3 and 4, the bonus points awarded to a person accumulate until the person is successful in drawing a tag for a season for that species or category of a species or the person fails to apply for a season for 2 consecutive calendar years during which that type of hunt for a season is open. If an applicant is successful in drawing a tag for a season for a species or category of a species or fails to apply for a season for 2 consecutive calendar years during which that type of hunt for a season is open, the applicant loses all of his or her bonus points for that species or category of a species. *If an applicant is successful in drawing a tag but transfers that tag to another person who is otherwise eligible to hunt big game in this State, the successful applicant will lose their bonus points for that species.*

3. Except as otherwise provided in NAC 502.4189, a person may not use any bonus points awarded to the person for being unsuccessful in a junior hunt to apply for a drawing for a tag for any other type of hunt after the person is no longer eligible to participate in a junior hunt.

4. If a person is successful in obtaining a tag for a species or category of a species pursuant to NAC 502.4215, he or she must not lose any bonus point awarded to him or her for that species or category of a species.

5. If an applicant requests and receives a refund for the value of his or her hunting license, the Department shall not award the applicant a bonus point for any species or category of species applied for during the period that the applicant possessed the hunting license.

6. The Department shall not award bonus points for depredation hunts or management hunts.

7. As used in this section, “management hunt” means a hunt established to seek the harvest of additional wildlife within a population.

(Added to NAC by Bd. of Wildlife Comm’rs, eff. 10-26-93; A by R168-99, 1-19-2000; R010-00, 4-3-2000; R137-03, 1-20-2004; R229-03, 3-23-2004; R126-06, 9-18-2006; R115-07, 12-4-2007; R002-11, 10-26-2011; R091-13, 12-23-2013; R113-14, 6-26-2015; R029-17, 12-19-2017)